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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/604,525	06/27/2000	Humberto C. Portillo	10722-31970	4943
24728	7590	02/03/2006	EXAMINER	
MORRIS MANNING & MARTIN LLP 1600 ATLANTA FINANCIAL CENTER 3343 PEACHTREE ROAD, NE ATLANTA, GA 30326-1044			MILEF, ELDA G	
			ART UNIT	PAPER NUMBER
			3628	

DATE MAILED: 02/03/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/604,525

Applicant(s)

PORTILLO ET AL.

Examiner

Elda Milef

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 11/08/2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 16, 18-42, 44-68, 70-92, 94-116, 118-138 and 140-159 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 16, 18-42, 44-68, 70-92, 94-116, 118-138 and 140-159 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

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**DETAILED ACTION**

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claims 16,18-26, 28-39, 41-42, 44-52, 54-65, 67-68, 70-76, 78-89, 91-92, 94-100, 102-113, 115-116, 118-123, 125-136, and 138, 140-158 are rejected under 35 U.S.C. 103(a) as being unpatentable over Conklin (US 6,141,653), in view of Business Wire article (09889724 from Dialog file 148).

Conklin discloses an online commerce system including a buyer and seller (Abstract, Summary, Figs. 1), providing a money transfer system connected with at least the seller computer (Figs. 2b, 2c, 3 (Community of Commerce), Fig. 7, figs. 11a-1 through 11a-3, fig.12 (payment), Fig. 30 (request for a wire-transfer), the money transfer system connected for electronic commerce communications with one or more payment locations associated with the money transfer system having payment location local computers (col. 31, lines 9-36; col. 26, line 43-

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col. 27 line 32, Figs. 1, 27, 30), effecting a payment from a buyer to a seller (Fig. 2c; wire transfers, col. lines 51-65; col. 25, lines 55-59; col. 27, lines 14-25),

receiving at the money transfer system an electronic payment request from the seller computer in response to a proposed transaction (e.g., col. 26, lines 1-56, Fig. 9) between the buyer and the seller (col. 31, lines 11-25), seller has a web site, col. 28, lines 9-36; col. 27, lines 5-31), the payment request comprising information including at least a transaction amount (col. 31, lines 10-34),

determining by the money transfer system a preliminary total amount required from the buyer in connection with the transaction comprising at least the transaction amount (-see fig. 1g ("prices" 50; "catalog prices" (in Propose Orders box); "Order activity").

determining by the money transfer system a grand total amount based upon the preliminary total amount any other applicable charges (taking into account any discounts, col.25, lines 41-59; col. 31, lines 40-54; Fig. 16("Total");Fig. 30 "Details of Charges" 71 A .

communicating information from the money transfer system to the seller computer system for displaying at least the grand total amount and the unique transaction number to the buyer

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computer system (col. 31, lines 41-45; col. 32, lines 1-16; the seller has a computer and is negotiating online with the buyer, the seller also knows whether there will be a discount and what the shipping and handling charges are therefore the seller would see the total amount on their computer display and know what amount the buyer will be responsible for whether using cash to get a wire transfer or using a form of cash as in electronic cash, cols. 26-32; also the seller is notified by email, col. 25, line 60-col. 26, line 19, especially col. 25, line 64-col. 26, line Fig. 16; 535, Fig. 7),

in response to receipt at the money transfer system of information from a payment location that payment in the amount of the grand total amount has been received at the payment location (Figs. 7, 8, 12, 16) and ("the present invention enables the use of internationally accepted payment methods and automates the negotiation of them, along with the negotiation of the overall agreement. The payment vehicle most commonly used when the buyer and the seller are complete strangers to each other is the letter of credit (L/C). In a proposed letter of credit, such as that shown in FIG. 16, the buyer's bank assumes the full credit risk, and is absolutely obligated to pay the seller... The present invention enables, as part of the negotiations process, the negotiation of the terms of a letter

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of credit as seen in FIG. 16. The letter of credit shown there, if accepted by the deciding entity DE as part of the negotiations, can be transmitted over a SWIFT compatible network to the advising bank, for immediate implementation. Thus, if the participants are unwilling to pay using credit cards or CYBERCASH.TM. payment methods, (which are essentially cash payments in advance) a seller can still activate a Website automatically and take volume orders if it is willing to negotiate letters of credit, wire transfers, documentary collection procedures or to accept a buyer's purchase order... Documentary collection payment methods, purchase order payment methods, procurement cards and similar methods can also be used and negotiated using the present invention.")-see col. 26, line 65-col 27, line 30.

communicating a message to the seller computer system that payment has been actually made at a payment location (Figs. 7-8, 16); and

effecting completion of the transaction by making payment via the money transfer system to the seller (col. 17, lines 39-56; 575, 580, 585, 590, Fig.8, col. 26, line 65- col. 27, line 30), as specified in claims 16, 42, 68, 92, 116, 138.

wherein the payment location local computer is a stand alone computing system with money transfer capabilities (buyer

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can user cards, or electronic cash from their computer, col. 27, lines 14-31; or computer can be at the bank where a wire transfer takes place), as specified in claims 18, 44, 70, 94, 118, 140;

wherein payment to the seller comprises the grand total amount expressed in the local currency (usd, Fig. 11a-1) of the seller, less any applicable transaction fees (shipping fees, Fig. 7; discounts, col. 25, lines 41-59; commissions, Fig. 11a-2, 11a-3), as specified in claims 19, 45, 71, 95, 119, 141;

determining a buyer local exchange rate (Fig. 30) for the preliminary total amount based upon buyer information (Fig. 13; col. 25, lines 43-59; currency conversion, col. 6, lines 51-65) provided from the buyer computer system to the seller computer system, and thence to the money transfer system (sponsor or Internet), as specified in claims 20, 46

wherein the buyer information comprises buyer address information including a country (Fig. 20; Figs. 13, 27; using international payments, col. 25, lines 55-59; col. 26, lines 59-65; Figs. 5b, 15-16), as specified in claims 21; 47, 72, 96, 120, 142;

determining the grand total amount (Fig.7) expressed in the local currency of the buyer (Fig. 30) based on the determined buyer local exchange rate (usd, Fig. 11a-1, Fig. 13;

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col. 25, lines 43-59; currency conversion, col. 6, lines 51-65), as specified in claims 22, 48;

wherein the seller computer displays a plurality of selectable payment methods for selection by the buyer in connection with transaction (530, Fig. 7; col. 27, line 65-col. 28, line 9), the payment method including a cash payment method (e.g., col. 27, lines 14-25; or Fig. 2), and wherein the payment request is generated by the seller computer system in response to selection by the buyer of the cash payment method, as specified in claims 23, 49, 73, 97, 121, 143;

wherein the payment request information includes information selected from the group comprising: buyer identification information, seller identification information, seller order number, transaction date, a summary of items purchased, purchase price, shipping charges, and total price (Figs. 13, 27; col.25, lines 41-59; col. 26, lines 59-65; Figs. 5b, 15-16), as specified in claims 24, 50, 74, 98, 122, 144;

wherein the preliminary total amount comprises the sum of the transaction amount, shipping charges and any applicable transaction fees (col. 31, lines 40-54; 525, Fig. 7), as specified in claims 25, 51, 75, 99, 123, 145;

generating a unique data record corresponding to the payment request and storing the data record in a staging area



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associated with the money transfer system (unique IDs for transactions, col. 21, lines 39-45; ; Figs. 15-23, especially Figs. 15a, 16, 30; purchase order numbers, Fig. 11a-1, 12; 570, Fig. 8; col. 20, lines 1-5; lines 57-63), as specified in claims 26, 52, 76, 100, 116, 146;

determining a seller local exchange rate for the funds due to the seller based upon seller information provided by the seller computer, and determining a grand total amount expressed in the local currency of the seller, based upon the grand total amount and the determined seller local exchange rate, less any applicable charges (usd, Figs. 11, Fig. 13; col. 25, lines 43-59; currency conversion, col. 6, lines 51-65), as specified in claims 28, 54, 78, 92, 102, 125, 116, 147;

determining whether an amount associated with the transaction exceeds a predefined compliance limit (threshold of authorization, col. 15, lines 18-25; col. 20, lines 1-4), and requesting additional information from the buyer in response to a determination that said amount exceeds the predefined compliance limit (also reads on the negotiating process where the buyer is being outbid, col. 19, lines 58-67; cols. 20, 25-26, 30-31), as specified in claims 29, 55, 79, 103, 126, 148;

in response to information from a payment location local computer that payment in the amount of the grand total amount

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has been received at the payment location, communicating a Money Transfer Control Number (MTCN) to the payment location for provision to the buyer ("buyer will be notified, Fig. 16; or see Figs. 15a, 17, 20-21), as specified in claims 30, 56, 80, 104, 127, 149;

providing a receipt to the buyer at the payment location, the receipt bearing at least the MTCN ("buyer will be notified, Fig. 16; or see Figs. 15a, 17, 20-21), as specified in claims 31, 57, 81, 105, 128, 150;

wherein the payment made by the buyer at the payment location is by cash, credit card, or check (530, Fig. col. 27, line 65-col. 28, line 9 or col. 27, lines 14-25 or Fig. 2), as specified in claims 32, 58, 82, 106, 129, 151;

wherein the information provided step of communicating information to the seller computer system for displaying to the buyer computer system includes instructions to the buyer that payment in the grand total amount should be tendered to a payment location (Figs. 15 C-1, 15 C-2; "buyer will be notified, Fig. 16; Figs. 17, 19, 21 and respective disclosure), as specified in claims 33, 59, 83, 107, 130, 152;

wherein the information provided in the step of communicating information to the seller computer system for displaying to the buyer computer system includes information as

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to a plurality of payment locations at which actual payment may be tendered (plurality of sponsors or banks for wire transfer or see 530, Fig. 7; col. 27, line 65-col. 28, line 9; or col. 27, lines 14-25; or Fig. 2), as specified in claims 34, 60, 84, 108, 131, 153;

wherein a payment gateway is positioned to communicate information between the seller computer and the money transfer system (e.g., sponsor, Fig. 4a; bank, col. 27, lines 14-31), as specified in claims 35, 61, 85, 109, 132, 154;

canceling the transaction if the buyer does not make payment at a payment location within a predetermined time period (not responding to a negotiation would lead to canceling an order, col. 25, line 60-col. 26, line 197 expiration date, Fig. 16), as specified in claims 36, 62, 86, 110, 133, 155;

wherein the payment request includes an order number provided by the seller computer (unique Ids for transactions, col. 21, lines 39-45; Figs. 15-16; purchase order numbers, Fig. 11a-1, 12), as specified in claims 37, 63, 87, 111, 134, 156;

wherein the seller is a merchant and operates an Internet-accessible web site for conducting transactions with buyer computers (04, Figs. 1; col. 17, lines 13-35; col. 18, lines 38-46; col. 28, lines 9-36), as specified in claims 38, 64, 88, 112, 135, 157;

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accessing information stored at the money transfer system including the grand total amount due from the buyer, response to receipt of a message from a payment location including the unique confirmation number, and communicating the grand total amount to the payment location accessing data, (e.g., 570, Fig. 8; col. 20, lines 1-5; lines 57-63), as specified in claims 41, 67, 91, 115.

In Conklin, when a seller accepts a purchase order (Figs. 18, 21) the seller is essentially requesting a "necessary payment" (Fig. 18) and generates a unique transaction number (numbers associated with wire transfer, Fig. 30; or purchase order numbers, Figs. 18, or 21). However, Conklin does not explicitly disclose assigning by the money transfer system a unique transaction number to the payment request, as specified in claims 16, 42, 68, 92, 116, and 138. The Business Wire article however, teaches ("The seller initiates contact with I-ESCROW, then fills out a simple order form. I-ESCROW assigns a transaction identification number and a seller password after the seller submits the completed form...the buyer verifies the purchase...and instructs I-Escrow to release the funds to the seller.")-see p. 2, para. 3. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Conklin to include assigning a

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transaction identification number as was shown by the Business Wire article in order to provide the escrow service and the seller with a method of tracing the payment activity of a transaction.

Conklin fails to particularly call for wherein the seller is a seller on an online auction system, as specified in claims 39, 65, 89, 113, 136, 158;

The Business Wire article (09889724 from Dialog file 148) teaches wherein the seller is a seller on an online auction system (using Ebay), as specified in claims 39, 65, 89, 113, 136, 158. It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Conklin to include a seller using an auction process as was shown by Business Wire in order to reach a large amount of potential buyers and gives the seller the opportunity to receive a competitive price for the items for sale.

It is obvious that Conklin can include an auction process since Conklin already discloses a negotiating process (Conklin: col. 19, lines 60-64) and therefore the prices are already variable. Making it an auction could generate even higher prices for the sellers.

***Claim Rejections - 35 USC § 103***

2. Claims 27, 40, 53, 66, 77, 90, 101, 114, 124, 137, 159 are rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of Conklin and the Business Wire article cited, as set forth above, in view of Godwin (Travel Weekly, v44, pg 19(2), #02472750 from file 148).

Conklin fails to particularly call for storing the data record in a payment confirmation queue in response to receipt of the information from the payment location that payment has been actually made at the payment location, as specified in claims 27, 53, 77, 101, 124; and

maintaining device queue records comprising lists of messages awaiting delivery, messages currently being delivered, and messages awaiting confirmation of delivery, as specified in claims 40, 66, 90, 114, 137, 159.

Godwin teaches using queues for payments -see p. 2, pars. 3-8. ("The cruise lines keep tabs on other agent activity besides bookings, by checking the queues frequently...Besides the confirmation queue, there are the option payment and final payment queues and the cancellation queue...If the deposit has not arrived by two days before the due date, the agency's PNR

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appears in the cruise line's option payment queue and a message goes into the agency's queues as well. If the payment also does not show up on the due date, the PNR will be dropped into the expired option queue...The final payment queues work in the same way, giving notice to the shipline and the agency two days before money is due and dropping the PNR into the expired final payment queue..."

It would have been obvious to one of ordinary skill that because Conklin discloses proposed orders "pending", (Conklin: col. 20, lines 57-61), accessing stored records (Conklin: Fig. 8) and using email (Conklin: Fig. 7), that it would have been obvious to use a memory labeled as a buffer or a queue for helping when there is network traffic and a source cannot send the messages at the present time, especially since Conklin uses emails (e.g., Conklin: Figs. 11, or 18-23) which have queues.

### ***Response to Arguments***

3. Applicant's arguments with respect to claim 16, 18-42, 44-68, 70-92, 94-116, 118-138, 140-159 have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

4. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS**

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**ACTION IS MADE FINAL.** See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

US Patent No. 5,897,621 (Boesch et al.)- cited for system and method for multi-currency transactions.

US Patent No. 6,356,878 (Walker et al.)- cited for conditional purchase offer buyer agency system.

Prince, Dennis L. "Auction This! Your Complete Guide to the World of Online Auctions", (Prima Publishing. 1999)



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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Elda Milef whose telephone number is (571)272-8124. The examiner can normally be reached on Monday - Friday 9:15 am to 5:45 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hyung Sough can be reached on (571)272-6799. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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